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ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	H-01	INRE-00	INR-01	L-03	ADS-00	NSAE-00	NSCE-00
	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	
					-----58E7CE 240707Z /38		

P 240702Z AUG 92
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 1567
INFO AMEMBASSY ADDIS ABABA
AMEMBASSY BRUSSELS
AMEMBASSY BUJUMBURA
AMEMBASSY DAR ES SALAAM
AMEMBASSY KAMPALA
AMEMBASSY LONDON
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 03503

E.O 12356: DECL:OADR
TAGS: PGOV, RW
SUBJECT: CHALLENGE TO THE CONSTITUTION BREWING

REFS: A) KIGALI 3421 B) KIGALI 3298
- C) KIGALI 3044 D) KIGALI 3457

1. C - ENTIRE TEXT.

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2. SUMMARY. A SHOWDOWN MAY BE BREWING FOR THE NEXT
ROUND OF POLITICAL TALKS IN ARUSHA THAT WOULD PIT THE
INTERNAL OPPOSITION AND THE RPF TOGETHER AGAINST THE
PRESIDENT AND HIS SUPPORTERS OVER THE ISSUE OF
PRESIDENTIAL PREROGATIVES AND CONSTITUTIONAL POWER.
TO AVERT THE POTENTIAL SHOWDOWN, WHICH RISKS
PRECIPITATING RENEWED AND ESCALATED FIGHTING, THE TWO
SIDES WILL HAVE TO AGREE ON WAYS SHORT OF SUSPENDING
THE RWANDAN CONSTITUTION TO PROVIDE SECURITY
GUARANTEES TO THE COMBINED OPPOSITION THAT WILL
EFFECTIVELY REDUCE THE PRESIDENT'S CONTINUING

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MONOPOLY ON POWER. END SUMMARY.

3. IN SEPARATE MEETINGS AUGUST 20 OPPOSITION LEADERS FAUSTIN TWAGIRAMUNGU (MDR) AND JUSTIN MUGENZI (PL) TOLD CHARGE THAT RWANDA'S CONSTITUTION MUST BE CHANGED DURING THE TRANSITION TO DEMOCRACY. THEY SAID THIS HAD TO BE DONE IN ORDER TO REDUCE THE PRESIDENT'S POWER AND MEET THE RPF DEMANDS FOR ENTERING THE TRANSITION GOVERNMENT. THEY AGREED THAT THE PROTOCOL JUST SIGNED IN THE FIRST ROUND OF ARUSHA II TALKS HAD BROUGHT THE RPF INTO THE FOLD OF THE UNARMED OPPOSITION BY COMMITTING THE RPF TO SOME IMPORTANT PRINCIPLES. HOWEVER, THEY SAID, IT FAILED TO GET AT THE REAL ISSUES.

4. TWAGIRAMUNGU ARGUED THAT CONSTITUTIONAL CHANGES WERE THE PRICE THE COUNTRY MUST PAY FOR PEACE. OTHERWISE, HE PREDICTED THE RPF COULD THREATEN TO RENEW FIGHTING. HE CONTENDED THAT CHANGING CERTAIN ARTICLES OF THE CONSTITUTION TO REDUCE THE POWER OF

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THE PRESIDENT WAS A REASONABLE ALTERNATIVE TO THE RPF'S UNACCEPTABLE PROPOSAL FOR A NATIONAL COUNCIL HAVING BOTH EXECUTIVE AND LEGISLATIVE POWERS.
(NOTE: THIS IS A NEW POSITION FOR TWAGIRAMUNGU. REFS B AND C REPORTED THAT HE FAVORED, OR WAS AT LEAST SYMPATHETIC TO, SUCH A COUNCIL. END NOTE.)
TWAGIRAMUNGU SAID THE PRESIDENT COULD REMAIN IN OFFICE AS A FIGUREHEAD BUT HE WOULD NOT BE ABLE TO EXERCISE ANY POWERS.

5. ASKED WHY THE RPF SHOULD BE ALLOWED TO DICTATE STIFFER TERMS THAN THE INTERNAL OPPOSITION HAD ACCEPTED IN NEGOTIATING THE TRANSITION GOVERNMENT, TWAGIRAMUNGU DESCRIBED CERTAIN RPF MEMBERS AS POLITICAL GIANTS IN RWANDA WHOSE RETURN WOULD DRAMATICALLY ALTER THE POLITICAL LANDSCAPE. RPF PRESIDENT KANYARWENGWE HEADED HIS LIST, FOLLOWED BY EX-INTELLIGENCE CHIEF LISENDE AND A COMMANDO NAMED BIZERUKA. HE RECALLED THAT KANYARWENGWE HAD ACTUALLY BEEN THE ONE PLANNING A COUP IN 1973 WHEN HABYARIMANA, WHO HAD BEEN TOLD OF THE PLOT BY LISENDE, DECIDED TO JOIN. (NOTE: THESE MEN ARE NOW ARCH ENEMIES, EVER SINCE KANYARWENGWE WAS FORCED TO FLEE WHEN IMPLICATED IN A COUP PLOT AGAINST

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HABYARIMANA IN 1980).

6. MUGENZI DESCRIBED TO CHARGE A MORE ELABORATE SCENARIO. THE PRESIDENT, HE SAID, WOULD HAVE TO AGREE TO: SUSPEND THE CONSTITUTION, DISSOLVE THE NATIONAL ASSEMBLY, INSTALL A NEW GOVERNMENT IN ACCORD WITH A NEW PROVISIONAL PROTOCOL, INTEGRATE THE
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ARMIES, BEGIN THE RETURN OF REFUGEES AND HOLD A NATIONAL CONFERENCE TO DRAW UP A NEW CONSTITUTION - ALL BEFORE ELECTIONS COULD BE HELD. MUGENZI INSISTED THAT THE RPF WOULD NEVER ACCEPT THE CURRENT CONSTITUTION.

7. MUGENZI ALSO ARGUED THAT THE PRESIDENT HAD TO BE STRIPPED OF HIS POWERS IN ORDER TO ALLOW INTERNAL SECURITY TO BE RESTORED. HE EXPRESSED GRAVE CONCERN OVER CONTINUING VIOLENCE IN THE COUNTRY AND ACCUSED THE PRESIDENT OF CREATING CHAOS WHILE THE TRANSITION

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TO SECSTATE WASHDC PRIORITY 1568
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C O N F I D E N T I A L SECTION 02 OF 02 KIGALI 03503

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GOVERNMENT IS TRYING TO CREATE ORDER. HE SAID
EXPERIENCE HAD SHOWN THAT THE COMPROMISES THE
OPPOSITION MADE IN APRIL TO FORM THE TRANSITION
GOVERNMENT HAD LEFT HABYARIMANA THE WINNER; HE STILL
HOLDS ALL THE POWER. MUGENZI CONTENDS THAT THE
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PRESIDENT HAS BEEN SHORT-SIGHTED BY NOT TRYING TO WIN
THE CONFIDENCE OF THE INTERNAL OPPOSITION DURING THE
PAST FOUR MONTHS. NOW, HE SAID, IT IS TOO LATE; NOW
WE SEE HE IS NOT TO BE TRUSTED.

8. MUGENZI CLAIMED THAT THE SPEECH HABYARIMANA
DELIVERED TO THE NATIONAL ASSEMBLY EARLIER THIS WEEK
(REF D) SHOWED THAT HE NEVER SUPPORTED THE MULTIPARTY
TRANSITION GOVERNMENT. MUGENZI NOTED (A POINT WE HAD
MISSED) THAT IN THE SPEECH THE PRESIDENT HAD CALLED
ON THE NATIONAL ASSEMBLY TO CONTROL THE GOVERNMENT,
REFERRING TO AN ARTICLE OF THE CONSTITUTION (ARTICLE
81) THAT HAS NEVER BEFORE BEEN INVOKED.

9. MUGENZI ASKED CHARGE HOW FAR THE INTERNATIONAL
COMMUNITY WOULD BE WILLING TO GO IF THE INTERNAL
OPPOSITION WERE TO SIDE WITH THE RPF AND INSIST THAT
HABYARIMANA RETAIN ONLY CEREMONIAL POWERS OR STEP
DOWN. CHARGE ASKED WHETHER THIS APPROACH INTENDED TO
THREATEN RENEWED RPF FIGHTING UNLESS THE PRESIDENT
CAPITULATED AND WHERE MUGENZI THOUGHT THE ARMY AND
GENDARMERIE WOULD STAND IN SUCH A CONFRONTATION.
MUGENZI DENIED SUCH A STRATEGY WOULD INVOLVE THE

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THREAT OF FORCE AND SPECUALTED THAT HABYARIMANA WOULD BE UNABLE TO HOLD THE ARMY AND THE GENDARMERIE WITH HIM IN SUCH A SITUATION.

10. CHARGE SAID SHE WAS NOT CONVINCED THAT CHANGING THE CONSTITUTION WOULD ACTUALLY END THE DESTABILIZING ACTIVITIES AND INTERNAL VIOLENCE MUGENZI ACCUSED THE PRESIDENT OF FOMENTING. SHE ASKED WHETHER THERE

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MIGHT BE LESS DRASTIC ACTIONS, SHORT OF RUPTURING THE DEMOCRATIC PROCESS, THAT MIGHT ADDRESS MUGENZI'S URGENT CONCERN FOR SECURITY. SHE MENTIONED THE POSSIBILITY OF CHANGES IN MINISTERIAL PORTFOLIOS, DEFENSE FOR EXAMPLE, OR CHANGES IN THE SECURITY FORCES. MUGENZI INSISTED THAT AS LONG AS THE PRESIDENT RETAINS THE POWER MONOPOLY GRANTED HIM BY THE RWANDAN CONSTITUTION, HE WILL BE ABLE TO PROTECT THOSE WILLING TO CREATE CHAOS ON HIS BEHALF. THE PRESIDENT AND THOSE AROUND HIM, MUGENZI SAID, ARE NOT INTERESTED IN EITHER PEACE OR DEMOCRACY.

11. COMMENT. TWAGIRAMUNGU AND MUGENZI APPARENTLY INTEND TO USE THE OCCASION OF THE POWERSHARING TALKS TO MAKE ANOTHER BID TO REDUCE PRESIDENT HABYARIMANA'S POWER BY ALIGNING THEMSELVES AND THEIR CONSTIUENCIES WITH THE RPF TO DEMAND CONSTITUTIONAL CHANGES IN THE NEXT ROUND AT ARUSHA. THEY WERE PROBABLY TESTING THE DIPLOMATIC WATERS TO SEE HOW FAR THEY COULD GO WITHOUT LOSING U.S. AND WESTERN SUPPORT. CHARGE BELIEVES BOTH REMAIN OPEN TO CONSIDERING OPTIONS. MUGENZI EVEN SUGGESTED AT ONE POINT THAT A NEW COMMISSION DE SYNTHESE THAT WOULD "RESHUFFLE" THE CONSTITUTION MIGHT BE AN ALTERNATIVE TO HIS INITIAL SCENARIO.

12. BOTH TWAGIRAMUNGU AND MUGENZI SEEM TO VIEW HABYARIMANA AS A GODFATHER FIGURE WHO CAN CREATE OR CALM CHAOS AT WILL. IF HE CAN BE CONTOLLED, THEY BELIEVE, INTERNAL INSECURITY AND DESTABILIZATION WILL END. CHARGE REMAINS SKEPTICAL THAT THE CATHARTIC

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APPROACH DESCRIBED BY MUGENZI WILL ACHIEVE THE
DESIRED RESULTS. ALTHOUGH A NETWORK OF TROUBLEMAKERS
MAY EXIST WHO ACTUALLY DEPEND ON HABYARIMANA FOR
PROTECTION AND MAY MEET THEIR DEMISE SHOULD HE BE
STRIPPED OF HIS POWERS, IT IS UNLIKELY THEY WOULD
FADE FROM THE SCENE WITHOUT A FIGHT. ALSO, THE
POSITION THE ARMY AND THE GENDARMERIE WOULD TAKE IN
SUCH A SITUATION REMAINS AN UNPREDICTABLE AND UNKNOWN
FACTOR. END COMMENT.
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